

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GARY LIEF, PRO SE,
CAROL HICKENBOTTOM, PRO SE,

Plaintiffs,

Case No. 6:16-cv-02043-JR

TEMPORARY
RESTRAINING ORDER

v.

UMPQUA BANK; HSBC BANK USA, NA,
AS TRUSTEE FOR WELLS FARGO
ASSET SECURITIES CORPORATION,
MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES SERIES
2007-PA3; AND QUALITY LOAN
SERVICE CORPORATION OF
WASHINGTON,

Defendants.

AIKEN, District Judge:

Before the court is plaintiffs' Motion for Temporary Restraining Order. Plaintiffs contend that a non-judicial foreclosure sale of their residence, located at 2370 SE Eagles Rest Avenue

Roseburg, Oregon, is scheduled to occur within thirty days. Pursuant to Fed. R. Civ. P. 65(b) and upon review of the Complaint and supporting memorandum and exhibits:

THE COURT FINDS that plaintiffs have raised serious questions with respect to the merits of their claims, in that defendants allegedly have not complied with the legal requirements for valid non-judicial foreclosure under Oregon law; and

THE COURT FURTHER FINDS that plaintiffs likely will suffer irreparable harm if the non-judicial foreclosure of their principal dwelling is allowed to proceed and that the balance of hardships tips in their favor, given that defendants may have other remedies available to them, such as judicial foreclosure, and will have the opportunity to establish their right to foreclose in this action; and

THE COURT FURTHER FINDS that the underlying legal issues cannot be resolved before the non-judicial foreclosure sale will occur, and that the issuance of the temporary restraining order is in the public interest; and

THE COURT FURTHER FINDS that no security shall be required to support issuance of this order pursuant to Fed. R. Civ. P. 65(c).

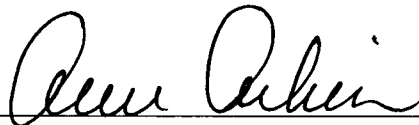
Accordingly, IT IS HEREBY ORDERED that plaintiffs' Motion for Temporary Restraining Order (doc. 8) is GRANTED. Pursuant to Fed. R. Civ. P. 65(d), defendants, their officers, agents, employees, attorneys, and other persons in active concert or participation with defendants, are RESTRAINED and ENJOINED from conducting a non-judicial foreclosure sale of the property commonly known as 2370 SE Eagles Rest Avenue, Roseburg, Oregon.

The Court is inclined to extend the restraining order, as a preliminary injunction, until such time as defendants' pending motion to dismiss and/or this action is resolved. If defendants object to

extension of the restraining order beyond the 14-day time limit under Fed. R. Civ. P. 65(b)(2), defendants shall inform the Court and a telephonic hearing shall be scheduled to show cause why the restraining order should not continue during the pendency of this action.

IT IS SO ORDERED.

Dated this 6 day of December, 2016.



Ann Aiken
United States District Judge